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## Central Valley Regional Water Quality Control Board

5 October 2020

Gerald Micke, Owner  
Micke Farms  
18794 Avenue 96  
Terra Bella, CA 93270

**CERTIFIED MAIL**  
**7019 2970 0001 5206 4081**

### **NOTICE OF APPLICABILITY**

**RESOLUTION NO. R5-2020-0002**  
**WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR**  
**SMALL FOOD PROCESSORS, WINERIES, AND RELATED AGRICULTURAL**  
**PROCESSORS WITHIN THE CENTRAL VALLEY REGION**

**GERALD MICKE,**  
**MICKE FARMS WALNUT PROCESSING FACILITY**  
**TULARE COUNTY**  
**(ENROLLEE # R5-2020-0002-0047)**

On 20 February 2020, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution R5-2020-0002, *Waiver of Waste Discharge Requirements for Small Food Processors, Wineries, and Related Agricultural Processors within the Central Valley Region* (Small Food Processor Wavier or Waiver).

We are in receipt of your Report of Waste Discharge (RWD) received on 17 July 2020, which indicates you intend to comply with Tier 2 conditions of the Waiver. Tier 2 allows land application of up to 100,000 gallons of wastewater per year for irrigation of landscaping or crops and land application of residual solids associated with that volume of wastewater. Any process wastewater or residual solids in excess of those amounts must be disposed of off-site at an appropriately permitted facility. If you wish to land apply more wastewater or residual solids, you must submit a new application to obtain coverage under Tier 3 of the Waiver or obtain individual waste discharge requirements prior to increasing the discharge volume.

Based on the information provided in the RWD, we have determined that the discharge meets the required conditions for approval under the Waiver. You are hereby assigned

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KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

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enrollee number **R5-2020-0002-0047**. A [copy of the Waiver](#) and the [Waiver Attachments](#) are enclosed and available on the Central Valley Water Board's website. ([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2020-0002\\_waiver\\_wdrs.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_wdrs.pdf) and [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2020-0002\\_waiver\\_atts.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2020-0002_waiver_atts.pdf))

Please familiarize yourself with the contents of the Waiver, including the Conditions of Discharge (Waiver Attachment A) and Monitoring and Reporting Program (Waiver Attachment B). The discharge must be managed in accordance with the requirements contained in the Conditions of Discharge and the information submitted in the RWD.

### **DISCHARGE DESCRIPTION**

Gerald Micke with Micke Farms (hereafter Discharger) owns and operates a walnut processing and dehydrating facility (Facility) at 18794 Avenue 96 in Tulare County as shown in **Attachment A**. The Facility is about six miles west of the community of Terra Bella (35° 57' 56" N, 119° 09' 06" W). The Facility and surrounding walnut orchards used for land application of walnut wash water and residual solids is owned by Gerald Micke (Assessor's Parcel Numbers 300-200-008, 300-200-015, and 300-200-030).

The walnut processing season runs from September through October. Walnuts are brought in from local orchards where they are hulled and processed on-site. The Facility processes approximately 2,000 tons of walnuts each year. According to the application, there are no plans to expand operations over the next five years. The Facility was originally enrolled in August 2012 under a previous waiver R5-2009-0097 but was accidentally left off the list to re-enroll under waiver R5-2015-0005.

Facility operations that generate process wastewater have not changed since 2012 and includes washing and rinsing the walnuts after they are brought to the Facility. No water is used in the hulling process. On average the Facility generates approximately 25,000 gallons of process wastewater each year during the processing season. The wastewater is collected in a 500-gallon concrete sump and then pumped into the irrigation system for irrigation on approximately 150 acres of walnut trees as shown in **Attachment A**. Wastewater and irrigation water is applied via flood irrigation to the furrow rows. Flows are calculated based on the size of the sump and the number of times it is emptied. According to the Discharger, no chemicals or solvents are added to the wash water.

The Facility generates approximately 500 tons of residual solids (stems, leaves, sediment, and hulls) each year. According to the Discharger, no residual solids are applied to the fields receiving wastewater, instead residual solids are collected and disked into the soil along the orchard rows on up to 900 acres of additional land as shown in **Attachment A**.

## **MONITORING AND REPORTING**

Attachment B of the Waiver includes monitoring and reporting requirements that you must comply with, including routine monitoring and reporting to the Central Valley Water Board. Please review the Monitoring and Reporting Program closely and establish the appropriate record keeping system so that you are able to complete the required Annual Monitoring Report form, which is also contained in Attachment B of the Waiver.

By **1<sup>st</sup> February each year**, the Annual Monitoring Report must be submitted to our office, even if there is no discharge during the reporting year. The 2020 Annual Monitoring Report is due **1 February 2021**.

## **SALT AND NITRATE CONTROL PROGRAMS**

As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new programs for addressing ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Resources Control Board adopted Resolution No. 2019-0057 conditionally approving the Central Valley Water Board Basin Plan amendments and directed the Central Valley Water Board to make targeted revisions to the amendments within one year after obtaining approval from the Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03).

Pursuant to the Basin Plan amendments, dischargers will receive Notices to Comply with instructions and obligations for the Salt and Nitrate Control Programs.

For the Salt Control Program, dischargers that are unable to comply with stringent salinity requirements will need to meet performance-based requirements and participate in a basin-wide planning effort to develop a long-term salinity strategy for the Central Valley. A Notice to Comply for the Salt Control Program is expected to go out within the next couple of months. Upon receipt of the Notice to Comply, the Discharger will have no more than six months to inform the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting).

For the Nitrate Control Program, the Board identified areas, referred to as Priority 1 and Priority 2 basins, where nitrates in groundwater are more prevalent and therefore pose a higher risk to persons who rely on groundwater as a source of drinking water. Priority 1 and Priority 2 basins have timelines under which permittees, such as you, are required to implement Nitrate Control Program requirements. For the Nitrate Control Program, the Facility falls within Groundwater Sub-Basin 5-22.13 (San Joaquin Valley – Tule Basin), a Priority 1 basin. As such, you were issued a Notice to Comply on 29 May 2020. The Notice to Comply requires you to select a pathway to comply with the new Nitrate Control Program either individually (Pathway A) or collectively as part of a Management Zone Group (Pathway B) and submit a Notice of Intent by **7 May 2021**.

More information related to the Salt and Nitrate Control Programs can be found at the [CV-SALTS Website](https://www.cvsalinity.org/public-info) (<https://www.cvsalinity.org/public-info>).

## **GENERAL INFORMATION AND REQUIREMENTS**

The Waiver includes specific and general conditions with which you must comply. You must maintain control over the discharge and operate in accordance with the information provided in your RWD and this Notice of Applicability (NOA).

Please review this NOA carefully to ensure that it completely and accurately reflects the facility name, location, and details of the proposed discharge. Failure to comply with the requirements of the Waiver may result in enforcement action as authorized by provisions of the California Water Code, which could include civil liability. Discharge of wastes not described in the Conditions of Discharge (Attachment A) of the Waiver is prohibited.

Please note that the Waiver will expire on **20 February 2025**, after which you must either cease the discharge or do one of the following:

1. Submit a new RWD with a filing fee (if required) to obtain coverage under a subsequently adopted waiver, or
2. Submit a RWD with a filing fee to apply for individual or general Waste Discharge Requirements.

## **DOCUMENT SUBMITTALS**

All monitoring reports and other correspondence should be converted to searchable Portable Document Format (PDF) and submitted electronically. Documents that are less than 50 MB should be emailed to: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov). To ensure that your submittal is routed to the appropriate staff person, the following information should be included in the body of the email or any documentation submitted to the mailing address for this office:

**Facility Name:** Micke Farms Walnut Processing Facility

**Program:** Non-15

**Order:** R5-2020-0002-0047

**CIWQS Place ID:** 781052

Documents that are 50 MB or larger should be transferred to a CD, DVD, or flash drive and mailed to:

Central Valley Regional Water Quality Control Board  
Fresno Office  
1685 E Street  
Fresno, CA 93706

All documents, including responses to inspections and written notifications, submitted to comply with this Waiver shall be directed, via the paperless office system, to the Compliance and Enforcement Unit, attention to Russell Walls. Mr. Walls can be reached

at (559) 488-4392 or [Russell.Walls@waterboards.ca.gov](mailto:Russell.Walls@waterboards.ca.gov). Questions regarding the permitting aspects of the Wavier, and notification for termination of coverage under the Waiver, shall be directed, via the paperless office system, to the WDR Permitting Unit, attention Katie Carpenter. Ms. Katie Carpenter can be reached at (559) 445-5551 or by email at [Katie.Carpenter@waterboards.ca.gov](mailto:Katie.Carpenter@waterboards.ca.gov).

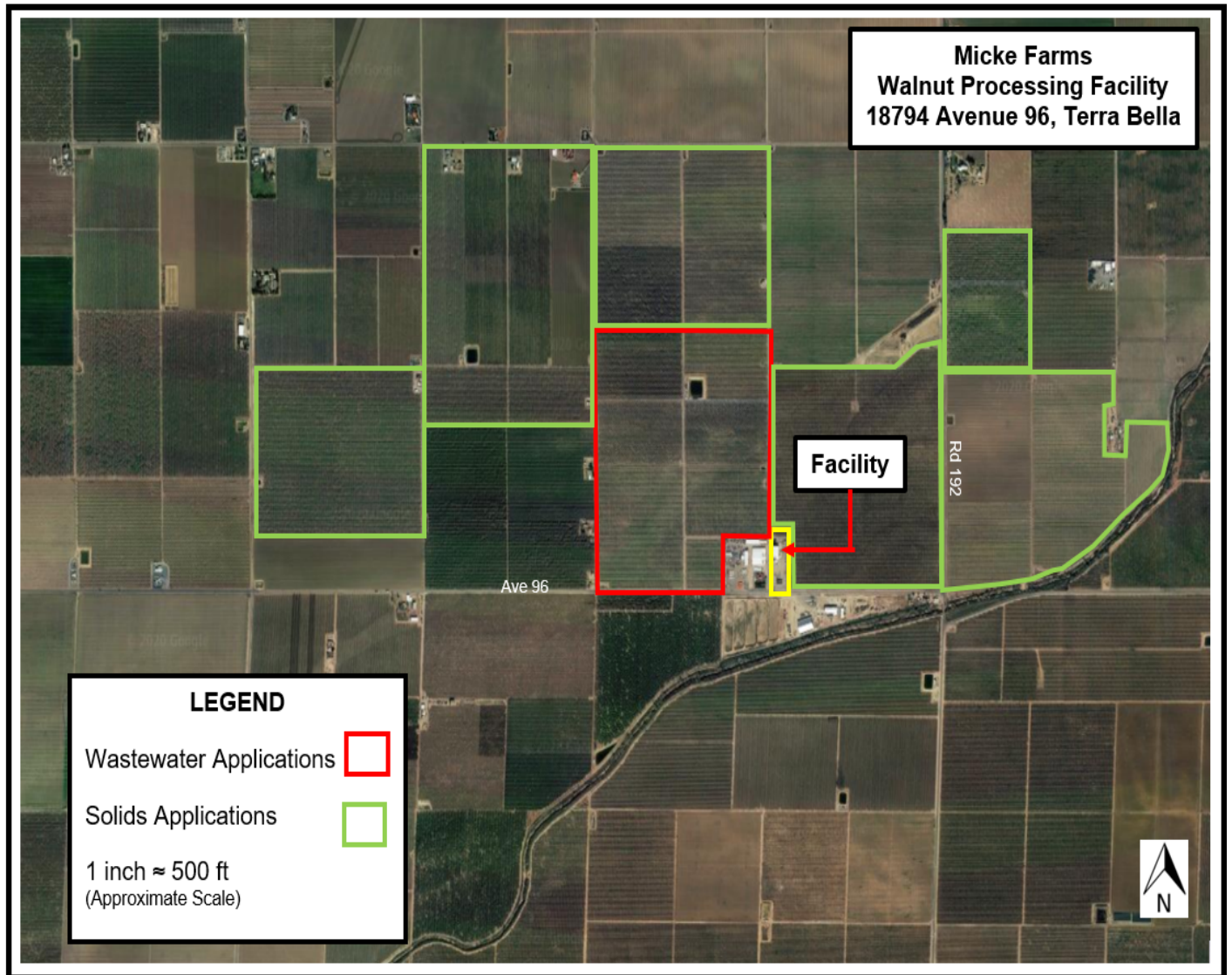
Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the internet or will be provided upon request.  
([http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality))

*Original Signed by Clay L. Rodgers for:*  
Patrick Pulupa  
Executive Officer

Attachment: Attachment A: Site Map

Enclosure: Resolution R5-2020-0002 (Discharger only)

cc w/o encl: Jenny Micke, Micke Farms, Terra Bella (via email)  
Russell Walls, Central Valley Water Board, Fresno (via email)  
Tulare County Resource Management Agency, Visalia



**ATTACHMENT A – SITE MAP  
RESOLUTION R5-2020-0002-0047  
GERALD MICKE  
MICKE FARMS WALNUT PROCESSING FACILITY  
TULARE COUNTY**